UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:20-cv-00389-FDW-DCK

KRISTIN NESSER,)
Plaintiff,)
VS.)) ORDER
MAC ACQUISITION LLC, SULLIVAN'S HOLDING, LLC.)))
Defendants.)))

THIS MATTER is before the Court *sua sponte* concerning the status of this case. On June 25, 2021, the Court granted the Motion to Intervene permitting Sullivan's of North Carolina, LLC, ("SNC") to become a defendant in this case. (Doc. No. 22). SNC's motion requested the Court to direct the Clerk's Office to "file the accompanying Motion to Compel Arbitration and supporting papers," (Doc. No. 17-1, p. 5); however, the Court's Order did not include such instructions. To date, SNC has not filed the motion to compel. Moreover, since the filing of the Court's Order in June, the parties have taken *no action* in prosecution or defense of the claims here. Indeed, it appears the parties have failed to conduct an Initial Attorneys Conference in accordance with Rule 26(f) of the Federal Rules of Civil Procedure because they have not yet submitted the appropriate Certification of Initial Attorneys' Conference in accordance with the Local Rules and this Court's standing orders.

IT IS THEREFORE ORDERED that <u>SNC shall file an Answer to the Amended Complaint</u> and any other responsive pleading no later than <u>September 8, 2021</u>. Following that filing and notwithstanding any motion to compel arbitration or motion to dismiss that may be filed along

with SNC's Answer, all parties shall conduct an Initial Attorneys' Conference and <u>file their</u> Certification of Initial Attorneys Conference no later than Wednesday, September 15, 2021, so that a Case Management Order can issue.

IT IS SO ORDERED.

Signed: September 1, 2021

Frank D. Whitney

United States District Judge